

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DAVID T. & LELAND J. BARCHANOWICZ,)
Plaintiffs,)
v.) CIVIL ACTION NO.
FREIGHTLINER TRUCKS OF DOTHAN,) 1:05cv1232-T
INC.; DAIMLERCHRYSLER SERVICES)
NORTH AMERICA LLC; COMMERCIAL)
RECOVERY SYSTEMS, INC.; and Fictitious)
Party Defendants "A" through "U")
Defendants.)

PLAINTIFFS' OBJECTION TO DEFENDANT'S MOTION TO AMEND ANSWER

COME NOW, Plaintiffs, David T. & Leland J. Barchanowicz, by and through the undersigned counsel, and hereby respectfully object to the Motion to Amend Answer filed by Defendant DaimlerChrysler Services North Americas LLC (“DFS”) on March 16, 2006. As grounds in support thereof, Plaintiffs state as follows:

1. On March 20, 2006, this Honorable Court entered an Order granting DFS' Motion to Amend Answer and ordered that Plaintiffs file any objections within seven days from the date of the Court's Order. Plaintiffs hereby timely file this objection.

2. Plaintiffs object to Defendant DFS' motion in that the Plaintiffs have not yet seen the signed arbitration agreement referenced in the Defendant's filing. Thus, Plaintiffs are unable to evaluate whether or not such an arbitration agreement is valid and applicable.

3. Plaintiffs also object to the extent that Defendant DFS is asserting its privity

to the arbitration agreement as an assignee. The Defendant neither cited language from the arbitration agreement itself, nor did Defendant provide a copy of the arbitration agreement in support of its motion and arguments that an agreement applies and the Defendant has been assigned rights and interests under an agreement.

/s/ W. Todd Harvey

W. Todd Harvey

One of the Attorneys for Plaintiffs

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on this the 27th day of March 2006, a copy of the foregoing was served on the following counsel via email in .pdf format and through regular, United States mail, in properly addressed, postage pre-paid envelopes.

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